IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M. JOSEPH

TUESDAY, THE 21ST AUGUST 2007 / 30TH SRAVANA 1929

WP(C).No. 24839 of 2007(F)

PETITIONERS:
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1. **T.K. ADITHYAVARMA,PRESIDENT,**
   IRINJALAKUDA CO-OPERATIVE AGRICULTURAL AND
   RURAL DEVELOPMENT BANK LTD.,
   NO. R 312, HEAD OFFICE, IRINJALAKUDA.

2. **IRINJALAKUDA CO-OPERATIVE AGRICULTURAL**
   AND RURAL DEVELOPMENT BANK LTD.,
   NO. R 312, IRINJALAKUDA, REP. BY ITS SECRETARY.

BY ADV. SRI. P. RAVINDRAN

RESPONDENT:

THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES,(GENERAL), THRISSUR.

BY GOVERNMENT PLEADER SMT. A.G. ANEETHA.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(C).No. 24839 OF 2007

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Dated this the 21st day of August, 2007

JUDGMENT

Petitionersapproached this court feeling aggrieved by Ext.P4. Ext.P4 is an order passed under Section 66A.

Case of the petitioners in brief is as follows:

The first petitioner is the elected President of the 2nd petitioner Co-operative Society. Petitioners decided to appoint Watchmen-cum-Peons. They accordingly issued Ext.P1 in the Mathrubhumi daily calling for applications from the qualified persons for the post of Watchmen-cum-Peons. Thereafter a written test was conducted by an outside agency on 10/02/2007. An interview was held on 29/03/2007. While so, Ext.P4 was issued interdicting appointments. In Ext.P4 it is stated that complaints were received regarding appointments. It is also stated that before the test itself a list of persons to be appointed was prepared. There is also reference to the President keeping the result of the writ test and the interview in sealed cover.

2. I heard learned counsel for the petitioner Sri.P.Ravindran and the learned Government Pleader also.

3. Sri.P.Ravindran would contend that there is no power under Section 66A as the power cannot be exercised to restrain any particular society in the exercise of the statutory power. He would point out that persons whose names are mentioned as the complainants namely C.K.Chandran, Satheesh are not members of the society and are not applicants. Therefore the petitioners made Ext.P5 application requesting to give their details and also regarding certain unnamed candidates. It was not given, it is stated. It is submitted that a circular is said to be violated in Ext.P4 namely Circular No. 18/91. Counsel for the petitioner would contend that there is no violation of the circular. He would also submit that there is autonomy in a Co-operative society. The Joint Registrar has no authority to interfere in a matter of this nature, he contends having regard to Section 69.

4. Learned Government Pleader on the other hand would justify the action. She would submit that the procedure is not correctly followed. She would invite my attention to the circular to contend that though the case of the petitioner that it was

published in Mathrubhumi daily, Ext.P1 circular requires that it should be published in dailies. Therefore the Circular contemplates publication in more than one daily, she contends. Learned counsel for the petitioner counters this by saying that plural can include singular also and there is no requirement that there should be publication in more than one daily. Government Pleader also points out that actual advertisement calling for applications in Ext.P1 is in the English language and the educational qualification required of the persons who apply for the post of Watchmen-cum-Peons is only pass in the 7th standard. It is also pointed out that a written test was held on 10/02/2007 and the interview was held on 29/03/2007 and the President is keeping the results in sealed cover and it is not entered in the minutes book also. She would submit that this is a matter which has to be considered and this is only an interim order. She would also submit that the power is available to the Registrar under Section 66 though power may not be available under Section 66A.

5. Ofcourse, Sri.P.Ravindran would explain the reason for the delay in making appointment as attributable to the litigation

pending before this court.

6. I would think that it will be in the interest of justice an expeditious decision is directed to be taken in the matter where the petitioners can raise all their contentions. The writ petition is disposed of as follows:

There will be a direction to the first respondent to give the details sought for by the petitioner in Ext.P5 within one week from today. The first respondent will proceed to consider the complaint with opportunity of hearing to the petitioners as also the alleged complainants and take a decision in accordance with law within a period of three weeks from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

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